

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION**

**JAMES SWAIM**

**PLAINTIFF**

**VS.**

**CASE NO. 5:06CV00203 JMM**

**VERNON ROBERTSON,  
DANNY BURL AND  
SANGEETA DOSHI**

**DEFENDANT**

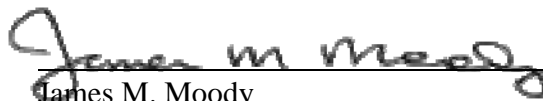
**ORDER**

Pending is plaintiff's Motion to Amend which the Court has construed as a motion for reconsideration (#29). Plaintiff seeks to have the Court consider additional arguments regarding his complaint and reconsider the Magistrate Judge's recommendation. The Court dismissed plaintiff's complaint without prejudice after adopting Magistrate Judge H. David Young's Proposed Findings and Recommendations which stated that based upon plaintiff's own statements he had failed to exhaust his administrative remedies before filing his complaint.

In his Motion to Amend, plaintiff states that the grievances related to the issues raised in his complaint are still pending. This statement, again, demonstrates that plaintiff has failed to exhaust his administrative remedies before filing his 42 U.S.C. § 1983 complaint. *See* 42 U.S.C. § 1997e(a) (exhaustion of administrative remedies is mandatory); *Abdul-Muhammad v. Kempker*, 450 F.3d 350 (8<sup>th</sup> Cir. 2006) (§ 1997e(a) requires an inmate to exhaust all available prison grievance remedies as to all of his claims prior to filing suit in federal court).

Plaintiff's Motion to Amend is denied (#29).

IT IS SO ORDERED THIS 29 day of November, 2006.

  
James M. Moody  
United States District Judge